

Message Text

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64

ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 PPT-02 VO-03 A-01 DODE-00

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 8646

INFO USCINCSO

PAN CANAL

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EO 11652: N/A

TAGS: PFOR, CPAS, CVIS, PN, PQ

SUBJ: CHANGE OF STATUS FEE

REF: STATE 188248 AND 188249

1. ARTICLE 14 OF DECREE LAW 16 SETS FORTH TWO CASES FOR CHANGE OF STATUS AND ESTABLISHES \$50 FEE FOR EACH. THE FIRST CASE COVERS APPLICANT FOR IMMIGRANT STATUS. THE SECONDCASE COVERS TOURIST OR TRANSIENT WHO APPLIES FOR TEMPORARY VISITOR'S PERMIT. SECOND CASE COVERS PRECISELY ZONE RESIDENTS AND OTHERS (E.G., MILITARY ARRIVALS) SEEKING TO LIVE IN REPUBLIC OF PANAMA. WE UNDERSTAND THERE ARE NOW IN EXCESS OF 400 SUCH CASES PENDING RESOLUTION. WE AGREE DEPARTMENT'S VIEW, HOWEVER, THAT DECREE CANNOT BE REASONABLY INTERPRETED TO COVER TRAVEL TO COSTA RICA AND ELSEWHERE FOR RECREATION. WE BELIEVE ARTICLE IV OF 1936 TREATY IS GERMANE IN THIS CASE.

2. WE BELIEVE THAT GOP ENFORCEMENT DECREE ITSELF HAS NOT REPEAT NOT BEEN INCONSISTENT WITH PANAMA'S OBLIGATIONS UNDER 1903 CONVENTION, AS AMENDED, WITH RESPECT TO EMPLOYEE HIMSELF BECAUSE GOP HAS NOT BEEN COLLECTING \$50 FEE FROM EMPLOYEE OR SERVICEMAN. BUT WE NOW HAVE CASE WHERE NAVY EMPLOYEE IS BEING TOLD HE MUST PAY \$50 FEE. IT SHOULD BE NOTED THAT WHEREAS ARTICLE X OF 1903

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CONVENTION CAN BE INTERPRETED TO COVER MEMBERS OF U S

ARMED FORCES AND CIVILIAN EMPLOYEES OF ARMED FORCES
ARTICLE XII WHICH REFERS TO "RESPECTIVE FAMILIES" WOULD
APPEAR TO APPLY ONLY CZG/PCC EMPLOYEES. BUT IT COULD
BE ARGUED THAT ARTICLE X ALSO INCLUDES DEPENDENTS BECAUSE
INCIDENCE OF TAX FALLS ON EMPLOYEE.

3. AIDE-MEMOIRE AS DRAFTED BASES OUR REQUEST FOR EXEMPTION
ON U S INTERPRETATION THAT DRAFTER OF DECREE LAW 16 MUST
HAVE INTENDED THAT DECREE BE CONSISTENT WITH PANAMA'S
TREATY OBLIGATIONS AND THAT PANAMANIAN IMMIGRATION OFFICE
MUST THEREFORE BE READING DECREE WRONG. WE WILL DELIVER
AIDE-MEMOIRE AS HOLDING OPERATION AND HOPE TO PROMPT GOP
TO CHANGE ITS POSITION.

4. PAN CANAL AND SOUTHCOM LAWYERS WERE CONSULTED IN
PREPARATION OF FOREGOING.
SAYRE

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